

## **9 FAM 42.33 Procedural Notes**

*(TL:VISA-494; 11-21-2002)*  
*Office of Origin: CA/VO/L/R)*

### **9 FAM 42.33 PN1 Registration of Applicants**

*(TL:VISA-201; 09-09-1999)*

Only those entries which meet the eligibility requirements specified in 22 CFR 42.33(a)(1), and which are received during the time period specified by the Department for each fiscal year, will be considered for registration for immigrant visa issuance under INA 203(c).

### **9 FAM 42.33 PN2 Entries Lacking Required Information**

#### **9 FAM 42.33 PN2.1 Signature**

*(TL:VISA-374; 03-20-2002)*

The signature requirement was introduced as an anti-fraud tool to assist consular officers in detecting multiple entries. The petitioner must personally sign his or her name, using his or her usual and customary signature in his or her native alphabet. An initialed signature or block printing of the petitioner's name is not acceptable. If the signature is missing or is a facsimile, or if the applicant admits that it was signed by someone else on his or her behalf, the entry does not qualify and should be refused under INA 212(a)(5)(A).

#### **9 FAM 42.33 PN2.1-1 Signature Signed by Someone Other than Applicant**

*(TL:VISA-374; 03-20-2002)*

If the post determines that someone else signed the petition on the applicant's behalf, the consular officer should refuse the applicant under INA 212(a)(5)(A).

#### **9 FAM 42.33 PN2.1-2 Thumbprint May Satisfy Signature Requirement**

*(TL:VISA-374; 03-20-2002)*

It is possible that the thumbprint may qualify as a signature, if the applicant is able to satisfy, to the consular officer's satisfaction that this is his or her "normal" signature.

## **9 FAM 42.33 PN2.2 Missing Photographs**

### **9 FAM 42.33 PN2.2-1 Photos for Applicant and Dependents**

*(TL:VISA-374; 03-20-2002)*

Applicants must include required photos with the DV entry as stipulated in the DV rules published each summer by the Department for the next DV program. Beginning with the DV 2003 registration, photographs are required for ALL dependents as well as the applicant. Photos must be submitted for all unmarried children under the age of 21 and regardless of whether or not the child is living with the applicant and regardless of whether the child intends to immigrate. The name and date of birth of the family member must be printed on the back of the photo. Each family member must have a separate photo. Group or family photos are not acceptable.

### **9 FAM 42.33 PN2.2-2 Photo Missing When Received at Post**

*(TL:VISA-374; 03-20-2002)*

If an entry is received at post without a photo, but the consular officer is satisfied that the photo was originally attached and that there is no fraud involved, the consular officer should continue to process the case. If the photo is lost between the receipt of the entry at the Kentucky Consular Center (KCC) and sending of the Immigrant Visa Appointment Package, the KCC will include a memo in the file sent to post. Post may request that the KCC provide a copy of the photo from its files.

### **9 FAM 42.33 PN2.2-3 Photo Not That of Applicant**

*(TL:VISA-183; 12-18-1998)*

If the consular officer determines that the photo is not that of the applicant, depending on the circumstances and the post's resources, the consular officer may wish to pursue a refusal under INA 212(a)(6)(C).

## **9 FAM 42.33 PN3 Place of Registration**

*(TL:VISA-201; 09-09-1999)*

Only those entries mailed to addresses specified by the Department for each fiscal year will be accepted for registration.

## **9 FAM 42.33 PN3.1 Registration and Retention of Original Entries**

*(TL:VISA-374; 03-20-2002)*

The KCC registers approximately 90,000 applicants (both principals and dependents) each year. All original entries received during the registration period will be maintained at the KCC in Williamsburg, KY. The KCC will notify posts of the number of applicants from their DV-processing area who were selected, broken down by country of residence. The KCC will maintain a computer-generated master list of registered applicants. Unregistered entries will be retained for 90 days and then destroyed.

## **9 FAM 42.33 PN3.2 Chronological Registration and Determining of Priority Dates**

*(TL:VISA-374; 03-20-2002)*

a. All mail received within the stipulated time period at KCC will be separate into six geographic regions, and each envelope will be assigned an individual number. A computer program especially created for the DV program will randomly select cases from among the mail received for each of the geographic regions. Within each region, the first entry randomly selected will be the first case registered, the second entry selected, the second registration, etc. The selected entries for each region will have a rank order number consisting of two letters followed by eight digits, i.e., AF00000925. The letter codes are:

- |     |    |                    |
|-----|----|--------------------|
| (1) | AF | Africa;            |
| (2) | AS | Asia;              |
| (3) | OC | Oceania;           |
| (4) | EU | Europe;            |
| (5) | NA | North America; and |
| (6) | SA | South America      |

b. Each month visa numbers will be allocated according to lottery rank-order numbers to those applicants who are ready for visa issuance during that month.

## **9 FAM 42.33 PN3.3 Mailing Registrations**

(TL:VISA-494; 11-21-2002)

a. When a case has been registered, the NVC or KCC will immediately send the applicant the Instruction Package for Immigrant Visa Applicants, which shall consist of the following:

(1) Form DSP-122, *Supplemental Registration, for the Diversity Immigrant Visa*; and

(2) Form DS-230, PART I AND II, *Application for Immigrant Visa and Alien Registration*;

b. The KCC will continue to process the entry until those registered are entitled to make a formal application for visa issuance at a U.S. consular office abroad, or an adjustment of status with the INS in the United States.

## **9 FAM 42.33 PN4 Creation of Immigrant Visa File**

(TL:VISA-374; 03-20-2002)

The KCC will create a DV immigrant visa file on the principal applicant and qualifying dependents. These files will be shipped to post about two months prior to the visa interview.

## **9 FAM 42.33 PN5 Using O\*Net OnLine to Determine Work Experience**

### **9 FAM 42.33 PN 5.1 Instructions for Determining the Applicant's SVP Rating**

(TL:VISA-473; 10-10-2002)

- (1) Log on to the O\*Net Homepage at "<http://online.onetcenter.org>";
- (2) Click on "Snapshot";
- (3) On the "Snapshot" screen, enter occupational title, such as "mason", "painter", "hairstylist", etc.;
- (4) Click on the bar on the lower right that says "Find Occupation";

(5) A screen appears titled "Snapshot Search Results" for whatever occupational title was entered in the "Snapshot" page. There will be a list of various occupation titles that somehow relate to (whatever job title was entered). Click on the one that seems appropriate for the DV applicants job experience;

(6) The "Snapshot For" (whatever job title was selected) screen appears;

(7) On the bottom of the "Snapshot For" screen, there are six gray bars;

(8) Click on the gray bar titled "Occupation Specific Information" if you are not certain if you are on the right occupation title. This will list what job duties are performed by someone engaged in the job occupation title entered. If the DV applicant performs the type of work outlined, then the correct occupation title was selected. If not, return to "Snapshot For" by clicking on "previous screen" and try another occupation title; and

(9) Once the pertinent job occupation is found, return to the "Snapshot For" screen, and click on the gray bar at the bottom of the screen labeled "Experience Requirements." It is here that the SVP rating is listed.

## **9 FAM 42.33 PN5.2 What SVP Range Qualifies an Applicants Job Experience for the DV Program?**

*(TL:VISA-473; 10-10-2002)*

a. The Dictionary of Occupational Titles uses nine SVP ratings for various levels of specific vocational preparation, and posts are instructed that an SVP rating of 7 would qualify an applicant for the DV program. An occupation with an SVP 7 rating means that the job practitioner had "over two years, up to and including four years" job experience.

b. Rather than nine SVP ratings, O\*Net groups job experience into five "job zones." Zone 4 includes all occupations listed in the Dictionary of Occupational titles as SVP 7, or those for which more than two years experience on the job are required. Using O\*Net, an occupation with a Job Zone 4 range has an SVP range of 7.0 to < 8.0 (7.0 to less than 8.0) and will qualify an applicant for the DV program.

## **9 FAM 42.33 PN6 Processing DV Cases**

### **9 FAM 42.33 PN6.1 Instruction Package for Immigrant Visa Applicants**

*(TL:VISA-473; 10-10-2002)*

In order to be considered documentarily qualified, the visa applicant

must complete and return the Instruction Package for Immigrant Visa Applicants to the KCC.

## **9 FAM 42.33 PN6.2 Immigrant Visa Appointment Package**

(TL:VISA-473; 10-10-2002)

Upon receipt from the applicant of properly completed Forms DS-122, *Application for Immigrant Visa and Alien Registration*, and Form DS-230 I and II, *Alien Registration*, the KCC will then transmit the Immigrant Visa Appointment Package and schedule an appointment for the applicant. The package consists of the following:

- (1) Form DV-171, *Appointment for DV-98 Immigrant Visa Applicant*;
- (2) Form DS-230, Part I and II, *Application for Immigrant Visa and Alien Registration*; and
- (3) Form DS-2053, *Medical Exam for Immigrant or Refugee*; Form DS-3024, *Chest X-ray and Classification Worksheet*; Form DS-3025, *Vaccination Documentation Worksheet*; and Form DS-3026, *Medical History and Physical Examination Worksheet*.

## **9 FAM 42.33 PN6.3 Clearances**

(TL:VISA-332; 11-15-2001)

The KCC conducts NCIC and CLASS namechecks only. The KCC does not handle SAO requests or Visas Alpha requests for DV applicants. Post, moreover, must conduct another CLASS name check immediately prior to the visa interview.

## **9 FAM 42.33 PN6.4 Fingerprints**

(TL:VISA-374; 03-20-2002)

When a consular officer obtains a NCIC hit, fingerprints must be sent to the FBI at the following address:

Federal Bureau of Investigation  
Criminal Justice Information Services  
1000 Custer Hollow Road  
Clarksburg, WV 26306

## **9 FAM 42.33 PN6.5 Following-to-Join Applicants**

(TL:VISA-351; 01-29-2002)

DV applicants who adjust status will be informed in the Packet 3 instructions to notify INS of derivative family members residing abroad who will

apply for visas. INS will forward the Form I-181, *Memorandum of Creation of Record of Lawful Permanent Residence*, to posts advising them of the adjustment of the principal applicant and providing names and addresses of immediate family members. (INS will notify posts of following-to-join family members in adjustment cases.) Upon receipt of this information, posts shall send the applicants Instruction Packages for Immigrant Visa Applicants and the Immigrant Visa Appointment Package and process these cases to conclusion, obtaining additional DV numbers from CA/VO/F/I, as necessary, via VISAS FROG messages [see 9 FAM Appendix E 300]. DV following-to-join cases cannot be processed using DV software and, therefore, must be processed manually.

## **9 FAM 42.33 PN7 Transfer of Cases**

(TL:VISA-374; 03-20-2002)

Posts are to follow normal IV case transfer procedures when a DV applicant asks that his or her case be transferred to a different post for processing. [See 9 FAM 42.41 PN3.] DV cases should not be returned to the KCC for forwarding to another post as this delay may disadvantage the applicant, resulting in loss of opportunity for the visa interview and visa issuance if there is a retrogression in the rank-order number.

## **9 FAM 42.33 PN8 Retention of Issued DV Cases**

(TL:VISA-175; 01-15-1998)

As in the case of other issued immigrant visas cases, the files for issued DV cases should be destroyed after visa number reconciliation. [See 9 FAM Appendix F, 100.] Prior to destruction, posts must extract and retain all information needed for the DV end-of-year report.

## **9 FAM 42.33 PN9 Reporting Procedures**

(TL:VISA-374; 03-20-2002)

KCC must report monthly to the Department (CA/VO/F/I) the number of documentarily qualified DV applicants chargeable to each region and country. In October or November of each year, posts must also provide to the KCC the following information, in numerical order, on each applicant issued a visa during the just-concluded program so that the report to Congress can be prepared:

- (1) Name;
- (2) Date and place of birth;
- (3) Sex;

- (4) Marital status;
- (5) Occupation; and
- (6) Education level.

### **9 FAM 42.33 PN10 KCC Telephone Number**

*(TL:VISA-374; 03-20-2002)*

The public telephone number for the Kentucky Consular Center is (606) 526-7500.